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CIVIL RIGHTS.

SPEECH

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HON. BENJAMIN F. BUTLER,

OF MASSACHUSETTS,

IN

THE HOUSE OF REPRESENTATIVES,

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JANUARY 7, 1874.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1874.

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SPEECH

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HON. BENJAMIN F. BUTLER.

The House having under consideration the Civil-Rights bill—

Mr. BUTLER, of Massachusetts, said: Mr. SPEAKER, I recognize fully the importance of the bill now before the House, as well to the legislation of the country as to the great interests of political science, and the spread of just ideas of the equality of men in all nations of the earth. No graver subject, I agree with the gentleman from Georgia, [Mr. STEPHENS,] can occupy the attention of any legislative body. I desire, therefore, representing from my position as a member of the committee the majority party in this House upon this occasion, that there shall be nothing done herein by us, who have the power to do as we will, that shall not be done after the most careful consideration and deliberation, so that it shall be a measure when made law to commend itself to the judgment of all mankind. This is made a double duty upon us, having so great a majority, and being opposed by so small a minority in numbers, to see to it that by our legislation the republic shall take no detriment. And therefore it will be convenient for me to indicate the purpose I have, after finishing what I have to say, and that is, to move to recommit the bill to the committee, in order that the ten or twelve amendments which have been offered—and which are cut off by the motion to recommit—shall not fail to have that full consideration by the Law Committee of the House, to which all amendments offered in good faith are entitled in so grave a matter; and I desire further—

Mr. WOOD. The gentleman from Massachusetts indicates his intention—indeed he has so declared—after he has closed his remarks, to move that the bill with the amendments be recommitted?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. WOOD. Now, I think it due to frankness to say that after he has exhausted three or four days in fruitless debate, a proposition to recommit the bill in the same form in which he reported it is, in my judgment, trifling with this House, and with this country. He has succeeded in producing irritation and in exhausting time in impracticable speeches on a question of no practical use to the country, to the exclusion of legislation useful and necessary to the country. I say, sir, that he owes an apology to the House and the country if he proposes to recommit in view of the circumstances to which I have referred.

Mr. BUTLER, of Massachusetts. I may, Mr. Speaker, owe an apology to the House and the country if I move to recommit this bill, but certainly I shall not owe any apology to my friend from New

York for taking such action as I believe to be just and proper when he lectures me in the time which I grant him. Further, sir, I am sorry to hear the gentleman from New York characterize this debate as "fruitless," because a large part of it has been carried on by those who associate with him politically. I thought the same thing in some degree, but I dare not say it; and I am very glad that he has said that to his political associates which my sense of courtesy to them has prevented me from saying. I leave him and the learned and distinguished gentleman from Georgia, [Mr. STEPHENS,] who occupied more time than anybody else, to settle that question of fruitlessness of debate between them. It is no affair of mine. I have not occupied ten minutes yet.

Now, sir, my apology to the House for moving to recommit this bill is that I desire that these amendments which have been offered shall be fully and fairly considered. There are some twelve of them. Otherwise the majority of the House would be placed in this unpleasant position, they must either refrain from allowing amendments to be voted upon, or must take up two days in calling the roll in voting upon these twelve amendments. That is my apology to the House and the country; for let me say to the gentleman and the House that when we bring back the bill matured, after due consideration of all this "fruitless debate," and carefully weighing all the amendments offered in good faith—and in bad faith, as one or two of the latter seem to have been—we shall not allow any more time to be spent in "fruitless debate" over it, but make it the law as speedily as due regard to legislative forms will permit.

Now, sir, let me point to a few of the arguments which have been adduced against this bill on the other side of the House.

Mr. DAWES. If it will not disturb my colleague I would like to inquire whether the order authorizing the committee to report at any time will extend to a new report of the bill?

Mr. BUTLER, of Massachusetts. I so understand it. I understand that the order to report at any time will extend to a new report of the bill.

The SPEAKER. The Chair would so rule.

Mr. BUTLER, of Massachusetts. I so understood, and was proceeding on that assumption. I thought it due to the minority to consider their objections to the bill, dealing with them fairly, openly, and in a spirit of candor after we heard them. I was saying, when interrupted, that I proposed to reply now to some of the arguments which have been adduced as well as I may in the very short time I have reserved for myself. I should have considered more at length the constitutional argument, were it not for the exhaustive presentation by the gentleman from South Carolina [Mr. ELLIOTT] of the law, and the only law quoted against us in this case that has been cited, to wit, the Slaughter-house cases. He, with the true instinct of freedom, with a grasp of mind that shows him to be the peer of any man on this floor, be he who he may, has given the full strength and full power of that decision of the Supreme Court. If I should criticise that decision at all, it would be to say that I think the court has too strictly confined the operation of the fourteenth amendment to the establishment of human rights alone, for the decision says it was meant to secure human rights, personal rights, life, liberty, and the pursuit of happiness, and was meant for nothing more and did nothing more, and the decision expressly points to the security of those rights by the appropriate legislation which was enacted by that great amendment—an amendment which was a step forward in the progress of

human events—which gave liberty to the world. Having myself no doubts upon the constitutionality of the measure, not believing for a moment that there is any right which a subject of Great Britain has under the Magna Charta that a citizen of the United States has not under the Constitution of the United States as now amended to conform to that great bill of rights of the subject, I pass to some other objections.

The first objection we meet, but last presented, is that we propose to establish social equality; and the gentleman from Tennessee [Mr. CRUTCHFIELD] offered an amendment that our daughters shall be prohibited by penalty from their right of choice in those who propose marriage to them. If he has got no further than that after hearing the debate of the last few days, then, indeed, I agree with the gentleman from New York, that to some men the debate has been futile and fruitless. If he does not understand we are not enacting any such proposition, then he could never even appreciate the answer a lady of the North would make to his addresses when she answers “no,” which after fathoming his capabilities would assuredly be given.

“Equality!” We do not propose to legislate to establish any equality. I am not one of those who believe that all men were created equal, if equality is to be used in its broadest sense. I believe that “equal” in the Declaration of Independence is a political word, used in a political sense, and means equality of political rights. All men are not equal. Some are born with good constitutions, good health, strength, high mental power; others are not. Now, we cannot by legislation make them equal. God has not made them equal, with equal endowments.

But this is our doctrine: Equality, if I understand it and may be allowed for the moment to speak for the republican party—and I will embody it in a single phrase, as the true touch-stone of civil liberty—is not that all men are equal, *but that every man has the right to be the equal of every other man if he can.* Let me repeat it. Every man has the inalienable, God-given right to be the equal of every other man if he can. And all constitutions, all laws, all enactments, all prejudices, all caste, all custom in contravention of that right is unjust, wicked, impolitic, and unchristian, and surely will be brought to naught.

This bill of ours only removes all impediments to every man in making himself the equal of every other man if God has given him the power to become thus equal; and I think the exhibition of yesterday showed that God has given to one of the negro race the power to be the equal, in all that makes a man, of the proudest man on this floor. And the debate has not been so far fruitless if it teaches us that God has not given to every man on this floor the power to be the equal of the colored man who spoke for his race yesterday, and such equality we cannot attain by legislation, or legislate some white men up to and some negroes down to the same level, however much we may try so to do. [Laughter and applause.]

Sir, we were told yesterday also that we must *respect*, in this regard, the prejudices of the South. Pardon me; we must *lament* the prejudices of men in the South. We cannot respect them; we lament them, and we pity them. With deep sorrow, and not offensively, I say this: prejudice can never be the ground of legislation in regard to the rights of the citizen—never. We must legislate to give every man who is a citizen of the United States all the rights that every other man has. We must demand that prejudice shall square itself with the law. It is to meet that prejudice that this legislation has

been devised; that the fourteenth article of amendments to the Constitution of the United States was enacted, and to control which this legislation is brought forward.

I thank the gentleman from Virginia [Mr. HARRIS] for saying, as I find in his reported speech he did say, that upon the subjects covered by this bill no State has legislated. That is exactly why we must legislate here and now. States have made no guarantees in behalf of this class of their citizens; have established no safeguards around them. It becomes our imperative duty, they being citizens of the United States, to make these guarantees, and to place around them these safeguards. That is why we are here. If it was not for this we should not have wasted any time in debate—"fruitless" or otherwise.

Again, we are told that if we do pass this bill we shall break up the common-school system of the South. I assume this is intended as a threat. If so, to that I answer, as Napoleon did, "France never negotiates under a threat." I regret the argument, if it was one, was put forward in that form. "Break up the common-school system of the South!" Why, sir, until we sent the carpet-baggers down there you had not in fact a common-school system in the South. [Laughter.]

Mr. MILLS. I would call the attention of the gentleman from Massachusetts [Mr. BUTLER] to the fact that Texas had the finest common-school system in the United States.

Mr. BUTLER, of Massachusetts. What State?

Mr. MILLS. Texas; and more lands appropriated to it than any other State, and educated every indigent child in the State long before a carpet-bagger came into it.

Mr. BUTLER, of Massachusetts. I have a report on that subject, which I had intended to read to the House.

Mr. MILLS. What report is it?

Mr. BUTLER, of Massachusetts. Hold a moment and you will hear it. I at first read from the North Carolina Common-School Journal, published in 1856, and from the third annual report of the superintendent of common schools of North Carolina:

COMMON SCHOOLS IN THE UNITED STATES.

There are State systems of common schools in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, *Delaware, North Carolina, Florida, Louisiana, Kentucky, Missouri—*

And there it stops, so far as the Southern States are concerned. Where was the "finest school system" of Texas then? The report goes on:

There are also imperfect systems, intended mostly for the poor, in Virginia, Tennessee, and South Carolina; and in various counties in Virginia this system is doing good.

That is, they had pauper schools, where nobody could go unless he went as a pauper—as a matter of charity—and few took advantage of that.

There is a system in Arkansas that seems to be very imperfect, and is attended by very few children. In Mississippi there is no uniform system of common schools; but in each county there is a reservation of public lands devoted to the cause of general education. Georgia has a small school fund, from which donations are made for the poor, &c.

That is the system which I find, from southern authority, was in vogue in the Southern States before the war. There were no common schools to which every boy and girl who was of age for scholarship could with honor go, freely and without price. Of a school system

the pet of the people and the pride and boast of the State, as in the North, nothing was known in the South. Indeed, if you reflect for a moment you will see that such a school system for all was then impossible. Because of your large estates, you did not live within two miles of each other, and you could hardly get two small children together within a reasonable distance to make a school. [Laughter.]

Now, then, for Texas. Texas, the gentleman says, appropriated large bodies of lands for educational purposes. Let me read from a report which bears this title: "*First Annual Report of the Superintendent of Public Instruction for the State of Texas.*" When do you suppose it is dated? In 1871, long after the "carpet-baggers" had gone among you and taken control of your affairs. [Laughter.]

Now, let us see what became of this immense fund. I ask the Clerk to read the passage I have marked.

The Clerk read as follows:

This fund, that in 1861 amounted to \$2,592,533.14, became during the war the prey of the enemies of the national Government, and every available portion of it was used by them, in violation of all law, for furthering their treasonable purposes. One million two hundred and eighty-five thousand three hundred and twenty-seven dollars and five cents of available funds were, from time to time, during the existence of the rebellion, withdrawn from the school fund and expended, most of it under the direction of the military board. Part of this fund accrued from sales of school lands, the balance was cash in the treasury, accrued interest and negotiable bonds and coupons. The amount (\$320,367.13) given in Statement H, as part of the permanent school fund, is the interest and principal paid in by railroad companies during and at the close of the rebellion in State warrants that had been issued during the war or at its close, and represented so much money that had been applied to unlawful purposes by the rebellious State government.

Mr. MILLS. I now call the attention of the distinguished gentleman from Massachusetts to the incorrectness of the assertion he made that there was no such thing as common schools in any of the Southern States until the "carpet-baggers" took possession of those States. The report just read shows what I intended to state to the gentleman—that out of the sales of a portion of her territory many years ago Texas set apart two of the five million dollars paid to her, and devoted the amount to common schools, or to school purposes if the gentleman likes the term better. The interest on that amount and a portion of the revenue derived from taxation were set apart for the education of her children.

Mr. BUTLER, of Massachusetts. I cannot yield my time to the gentleman further. The difficulty is that the gentleman does not know what a system of common schools for a State is.

Mr. MILLS. Not such as you advocate.

Mr. BUTLER, of Massachusetts. There was a very large fund devoted to schools in many of those States, but it was used only for education in the higher institutions of learning, or for "indigent scholars." There was no system under which all children could go to common schools supported at the public expense. There was a large fund; but, as shown by the report of the Commissioner of Education, (which I have here but have not time to read, a report made before the war,) this fund existed on paper only, and not as an operative fact.

The gentleman from Kentucky [Mr. BECK] told us how generous a provision had been made by the State of Kentucky for the school fund; and he threatened the repeal of that provision in case we should pass this bill. I have in my hand the laws of the State of Kentucky, and I read from an act passed in 1866:

SECTION 1. That all the taxes hereafter to be collected from negroes and mulattoes in this Commonwealth shall be set apart and constitute a separate fund for their use and benefit, one-half, if necessary, to go to the support of their paupers, and the remainder for the education of their children.

How generous! What noble generosity! [Laughter.] You collect from the poorest class in your State a capitation tax, and then say that one-half of the money so raised shall go to their paupers, and the other half to educate their children. That is all.

I read further from the same act:

SEC. 7. The auditor shall apportion each year the revenue from the fund realized under this act for the benefit of said paupers among the several counties of the State, according to the number of said paupers in each county, as shown by the reports of the several county courts, but no part of said fund—

That is the other half of it—

shall not be otherwise drawn than pursuant to this act in aid of common schools for negroes and mulattoes.

Now you say that if we pass this bill you will take away that fund. Certainly, then, you will not tax the negro, will you? Let us have that understood. If you take away all use from them of the fund raised by their taxation, do not continue to tax them. The poorest class of its citizens are taxed to support their own paupers and educate their own children; and that is a Kentucky idea of a common-school system!

I am not to be moved by threats because the negroes are beyond your reach, if you choose to go into any unfriendly legislation against them. You are dependent upon them for the cultivation of your soil, for the labor in all departments of your industries, for the making of your States habitable. If you legislate against them, they will leave you to the poverty and disgrace consequent upon lazy, disgraceful poverty. [Laughter and applause.] Therefore I would, in all sincerity and kindness, advise no retaliatory or antagonistic legislation to the negro.

But there are reasons why I think this question of mixed schools should be very carefully considered. The negroes, children as well as parents, have never, till the last few years, had any opportunity for education. It is to them the greatest boon on earth. It is to them the manna from heaven. They seek it as eagerly as did the Israelites seek the good gift of God which fed them from the clouds. Therefore, in negro schools which I established as military commander during the war I found that while I had plenty of school-boys with "shining morning faces," there were none "creeping unwillingly to school." They sprang to the school as to a feast; their advancement and acquirements were wonderful. And I shall move to recommit this bill, among other reasons, because I want time to consider whether upon the whole it is just to the negro children to put them into mixed schools, where, being in the same classes with the white children, they may be kept back by their white *confrères*, and not get on in learning as fast as they otherwise would. [Laughter.]

I do not think there will be any difference in the races in the next generation. There may be unwilling colored school-boys then as there are unwilling white school-boys now in my own State. I do not mean that white boys in Kentucky are different from white boys in Massachusetts. In Massachusetts we have truant-commissioners, who go round to see that our children go to school, because the schools are an every-day task to them—but for the colored child there is no need of any commissioner, and for this generation there never will be. And, therefore, I am quite content to consider this question in the light of what on the whole is best for the white and the colored child before the matter is again before the House.

I come now, sir, with your leave, to deal with what is the only argument which has been introduced here, the argument to prejudice

The learned gentleman from Georgia [Mr. STEPHENS] agrees with me that every colored man now has all the rights which this bill gives him, but insists it is the States' duty to enforce them. But because of prejudice the States will not enforce them. What then? To show how deep that prejudice is in the South, and that it is not shared by the North, I call the attention of the House that there has yet, in these two days of fruitless debate, been no man from the North who calls himself a democrat who has risen to oppose this bill or make a speech against its provisions. If I am wrong in this, point him out. It shows that the North have all come to a conclusion on this subject—we on this side of the House actively, they on that side of the House passively—that these are rights guaranteed by the Constitution to every citizen, and that every citizen of the United States should have the means by which to enforce them.

Mr. DEWITT. Mr. Speaker, as a northern democrat, I, for one, repudiate the inference which the gentleman chooses to draw from my silence in this debate.

Mr. BUTLER, of Massachusetts. Who is next? [Laughter and applause.]

Now, Mr. Speaker, if these are rights, again let me ask, why should they not be given to all citizens of the United States, if we have the constitutional power so to do? If the States give them and execute them, then there will be no longer any need for this statute. It will not be enforced and will do no harm. Where a State will do its duty, there this statute will be inoperative. Where the State does not do its duty in this behalf, then the flag of the United States, and the power of the United States, and the judiciary of the United States, should protect the citizens against all unfriendly State legislation, or against the want of legislation. And I have the authority of the gentleman from Virginia [Mr. HARRIS] for saying "that no State has legislated on the subject."

And it is because of the very prejudice which has prevented such legislation that I claim the passage of the bill.

Is it a prejudice at all? Was there any objection in the South to consorting with the negro as a slave? O, no; your children and your servants' children played together; your children sucked the same mother with your servants' children; had the same nurse; and, unless tradition speaks falsely, sometimes had the same father. [Laughter and applause.]

Would you not ride in first-class cars with your negroes in the olden time? What negro servant, accompanying its mistress or master, and administering to his or her health, was ever denied a first-class passage in a first-class car in the South before the war? What negro girl, being the nurse or servant of a lady, was not allowed to sit by that lady and her child in a first-class car? What negro servant, accompanying a lady or a gentleman, was ever denied admittance to a first-class hotel? My friend from Tennessee, confirming this, told us that in the olden time the master and his slave always used to worship together in the same churches, but that now there are separate churches, and the negroes prefer to worship by themselves.

These are facts before the war? You talk about your prejudices against social equality! I put this question to the minds and consciences of every man of you. Who is the highest in the social scale, a slave or a freeman? You once associated with the slave in every relation of life. He has now become a freeman, and now you cannot associate with him; he has got up in the scale, and you cannot stomach him. Why is this? It is because he claims that as a right which

you accorded him always freely as a boon. It is because the laws of your land, the Constitution of your country, gave all men equal rights in accordance with the fiat of God Almighty which has made some of them your equal in all things, and therefore he is no longer to be associated with or tolerated! This is not a prejudice against the negro or any personal objection to him—it is a political idea only.

I had, sir, to deal with this question early in the war, and I cannot better explain the operations of this kind of prejudice than by stating the exact fact which happened on board one of the boats upon Chesapeake Bay, between Baltimore and Fortress Monroe. A member of the Christian Commission went North after two school-teachers, and brought back two ladies, one of whom had some colored blood in her veins, but so much more white that it took a *connoisseur* to find the color. The women bought first-class tickets, and took their state-room, sat down at the table, and paid for their supper. A Virginian, who was on board, being able to know a negro, from long use, whenever he saw one, smoked out the fact that one of them, a lady in dress, a lady in culture, a lady in manners, had some negro blood in her veins, and he complained to the clerk of the boat that he could not eat at the table in the saloon with her, and the clerk ordered her forward among the deck-hands and servants. The lady and her companion, frightened, ran to their state-room, and locked themselves in. The Virginian insisted on her being taken out of that. But a provost messenger on board was roused to his duty, and insisted that all that should be stopped. Next morning complaint was made to me as commanding general, and I sent for the clerk—an inoffensive old gentleman, who looked as if he would not harm anybody. I said, "What is all this?" He said, "I was only carrying out the rules of my boat." I said, "Do you not recognize the fact the war has made a difference in these things?" He answered, "Not in the rules of our boat." I asked, "What were the rules of your boat before the war? Could not a colored nurse go with the children of her mistress, and occupy a state-room with them?" "Yes, sir." "Could she come to the table with them?" "Yes, sir." "Which do you think, Mr. Clerk, is the highest in the social scale, a freeman or a slave?" "O, a freeman, General, of course." "Very well, Mr. Clerk; I think I can make a rule for your boat now that will be easy of enforcement. Do not go away and say that the commanding general says that the negro is as good as a white man. I am not going to say any such thing. But hereafter let this be your rule: Let no free person ever be deprived of any privileges on your boat that were ever accorded to a slave person. Do this, and there will be no trouble hereafter." And there was none.

That tells the whole story and covers the whole argument of prejudice. It is not a prejudice, gentlemen. You make a mistake. A prejudice is where you do not like the thing itself. We in the North had somewhat of this prejudice against the colored. You of the South had none. From the rarity, they were offensive to us. But we are getting used to the negro, and are getting free from our former mode of feeling and speaking on the subject. That was a prejudice. But you had not any such feeling of dislike or offensiveness at the South. Now I am getting over that feeling and you are getting it. And it is a political idea you are getting and not a prejudice at all. [Laughter.]

Now, sir, you will allow me to state how I got over my prejudices. I think the House got over theirs after the exhibition we had yesterday. I think no man will get up here and say he speaks only to white

men again. He must at first show himself worthy before he can speak to some colored men in this House after what occurred yesterday. [Applause.]

I got over my prejudices from the exhibition of like high qualities in the negro, but in a different manner from that in which, I have no doubt, many a prejudice was removed against the negro in the House yesterday. In Louisiana, in 1862, when our arms were meeting with disasters before Richmond, I was in command of the city of New Orleans with a very few troops, and those daily diminishing by the diseases incident to the climate, with a larger number of confederate soldiers paroled in the city than I had troops. I called upon my Government for re-enforcements, and they could not give me any, and I therefore called upon the colored men to enlist in defense of their country. I brought together the officers of two colored regiments that had been raised by the confederates for the defense of the city against us—but which disbanded when we came there because they would not fight against us, and staid at home when their white comrades ran away—and I said, “How soon can you enlist me one thousand men?” “In ten days, General,” they answered; and when the thousand men were brought together in a large hall, I saw such a body of recruits as I never saw before. Why, sir, every one of them had on a clean shirt, a thing not often got in a body of a thousand recruits. [Laughter.] I put colored officers in command of them, and I organized them. But we all had our prejudice against them. I was told they would not fight. I raised another regiment, and by the time I got them organized, before I could test their fighting qualities in the field, the exigencies of the service required that I should be relieved from the command of that department.

I came into command again in Virginia in 1863. I there organized twenty-five regiments, with some that were sent to me, and disciplined them. Still all my brother officers of the Regular Army said my colored soldiers would not fight; and I felt it was necessary that they should fight to show that their race were capable of the duties of citizens; for one of the highest duties of citizens is to defend their own liberties and their country’s flag and honor.

On the 29th of September, 1864, I was ordered by the Commanding General of the armies to cross the James River at two points and attack the enemy’s line of works; one in the center of their line, Fort Harrison, the other a strong work guarding their left flank at New Market Heights; and there are men on this floor who will remember that day, I doubt not, as I do myself. I gave the center of the line to the white troops, the Eighteenth Corps, under General Ord, and they attacked one very strong work and carried it gallantly. I went myself with the colored troops to attack the enemy at New Market Heights; which was the key to the enemy’s flank on the north side of James River. That work was a redoubt built on the top of a hill of some considerable elevation; then running down into a marsh; in that marsh was a brook; then rising again to a plain which gently rolled away toward the river. On that plain, when the flash of dawn was breaking, I placed a column of three thousand colored troops, in close column by division, right in front, with guns at “right shoulder shift.” I said, “That work must be taken by the weight of your column; no shot must be fired;” and to prevent their firing I had the caps taken from the nipples of their guns. Then I said, “Your cry, when you charge, will be, ‘Remember Fort Pillow!’” and as the sun rose up in the heavens the order was given, “Forward,” and they marched forward, steadily as if on parade—went down the hill, across the marsh, and as

they got into the brook they came within range of the enemy's fire, which vigorously opened upon them. They broke a little as they forded the brook, and the column wavered. O, it was a moment of intensest anxiety, but they formed again, as they reached the firm ground, marching steadily on with closed ranks under the enemy's fire, until the head of the column reached the first line of abatis, some one hundred and fifty yards from the enemy's work. Then the ax-men ran to the front to cut away the heavy obstructions of defense, while one thousand men of the enemy, with their artillery concentrated, poured from the redoubt a heavy fire upon the head of the column hardly wider than the Clerk's desk. The ax-men went down under that murderous fire; other strong hands grasp the axes in their stead, and the abatis is cut away. Again, at double-quick, the column goes forward to within fifty yards of the fort, to meet there another line of abatis. The column halts, and there a very fire of hell is pouring upon them. The abatis resists and holds; the head of the column seems literally to melt away under the rain of shot and shell; the flags of the leading regiments go down, but a brave black hand seizes the colors; they are up again and wave their starry light over the storm of battle; again the ax-men fall, but strong hands and willing hearts seize the heavy, sharpened trees and drag them away, and the column rushes forward, and with a shout which now rings in my ear, go over that redoubt like a flash, and the enemy never stop running for four miles. [Applause on the floor and in the galleries.]

It became my painful duty, sir, to follow in the track of that charging column, and there, in a space not wider than the Clerk's desk and three hundred yards long, lay the dead bodies of five hundred and forty-three of my colored comrades, fallen in defense of their country, who had offered up their lives to uphold its flag and its honor as a willing sacrifice; and as I rode along among them, guiding my horse this way and that way lest he should profane with his hoofs what seemed to me the sacred dead, and as I looked on their bronzed faces upturned in the shining sun to heaven as if in mute appeal against the wrongs of the country for which they had given their lives, and whose flag had only been to them a flag of stripes on which no star of glory had ever shone for them—feeling I had wronged them in the past and believing what was the future of my country to them—among my dead comrades there I swore to myself a solemn oath, "May my right hand forget its cunning and my tongue cleave to the roof of my mouth if I ever fail to defend the rights of these men who have given their blood for me and my country this day and for their race forever;" and, God helping me, I will keep that oath. [Great applause on the floor and in the galleries.]

From that hour all prejudice was gone, and an old-time States-right democrat became a lover of the negro race; and as long as their rights are not equal to the rights of other men under this Government I am with them against all comers, and when their rights are assured, as other men's rights are held sacred, then, I trust, we shall have what we sought to have, a united country North and South, white and black, under one glorious flag, for which we and our fathers have fought with an equal and not to be distinguished valor. [Applause.]

Now, Mr. Speaker, these men have fought for their country; one of their representatives has spoken, as few can speak on this floor, for his race; they have shown themselves our equals in battle; as citizens they are kind, quiet, temperate, laborious; they have shown that they know how to exercise the right of suffrage which we have given to them, for they always vote right; they vote the republican ticket,

and all the powers of death and hell cannot persuade them to do otherwise. [Laughter.] They show that they knew better than their masters did, for they always knew how to be loyal. They have industry, they have temperance, they have all the good qualities of citizens, they have bravery, they have culture, they have power, they have eloquence. And who shall say that they shall not have what the Constitution gives them—equal rights? [Continued applause.]

The SPEAKER. There has been too much tendency exhibited here of late to applaud the remarks of speakers. The rules require that upon any manifestation of applause in the galleries they shall be cleared.

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